

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:17-CV-00116-D

JAMES EDMUND GEIST,

Plaintiff,

v.

NANCY A. BERRYHILL,
Acting Commissioner of
Social Security

Defendant.

ORDER TO REMAND


This matter is before the court on Plaintiff's Complaint and Defendant's Motion for Remand to the Commissioner for further administrative proceedings. The Commissioner wishes to conduct further fact finding, including holding a new hearing. Plaintiff's counsel remains undecided whether or not to consent to the Government's Motion for Remand.

The Court finds good cause has been alleged for remand. Accordingly, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) and remands the case to the Commissioner for further proceedings, including a new hearing. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991). On remand, the Commissioner's final decision will be vacated and a hearing de novo will be conducted. The ALJ will be instructed to consider previous post-hearing evidence from the Veterans Administration,

including evidence of any disability rating and associated medical evidence, and to issue a new decision.

The Clerk of Court is directed to enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 11 day of November, 2017.



James C. Dever III
United States Chief District Judge